S.B.Cr.Misc. Bail App. No.5709/2007

(Suresh Kumar Solanki Vs. State of Rajasthan)

Date of order : November 28, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.B.S.Rathore, for the petitioner.
Mr.Ashok Upadhyaya, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and the challan papers.

It is contended by the learned counsel for the petitioner that the allegation of causing murder of Mana Ram is against Narayan Lal, Azad Singh, Shanker Lal and Mangla Ram. So far as present petitioner is concerned, he has been implicated on the basis of suspicion with the aid of section 120-B I.P.C. According to the learned counsel for the petitioner, there is no evidence of conspiracy.

I have gone through the statements of the witnesses. The witnesses pointed out the suspicion that four persons caused the murder of Mana Ram, may be at the instance of present petitioner.

Smt. Gulab Devi, wife of the deceased, in her statement, has stated that the accused-persons, named above came to her house, she offered tea to them and some disputes raised by them. On the relevant date, the accused picked up the deceased on a motorcycle Yamaha and thereafter he was found dead. However, she stated in her statement that she has belief that her husband has been murdered by Narayan Lal, Mangla Ram, Azad Singh and Shanker Lal on the saying of the present petitioner. Except this, there is no direct evidence of hatching criminal conspiracy for causing the murder.

Be that as it may, without commenting on the merit of the case, having regard to the facts and circumstances of the case, more particularly the statement of Smt. Gulab Devi and the fact that the allegation of causing murder is against the four persons named above, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Suresh Kumar Solanki s/o Uda Ram be released on bail in CR. No.108/2007, P.S. Guda Endla provided he furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of learned trial court

for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

m.asif/-